

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2015-002698-002 DT

07/27/2016

HONORABLE JOAN M. SINCLAIR

CLERK OF THE COURT  
D. McGraw  
Deputy

STATE OF ARIZONA

DOUG MANGUM

v.

SPENCER WILLIAM MALOOF (002)

SPENCER WILLIAM MALOOF  
T231801  
MCSO INMATE MAIL -- 00000  
JOHN W MCBEE

DOB: 10/29/1979

APO-SENTENCINGS-CCC  
APPEALS-CCC  
DISPOSITION CLERK-CSC  
INMATE LEGAL SERVICES  
RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

10:01 a.m. This is the time set for Acceptance of Plea/Sentencing.

Courtroom 903 Central Court Building

State's Attorney:	Doug Mangum
Advisory Counsel:	John McBee
Defendant:	Present ( <i>pro per</i> )

Court Reporter, Kristen Brown, is present.

A record of the proceedings is also made digitally.

The plea is accepted.

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Count(s) 1 and 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 AGGRAVATED TAKING IDENTITY OF ANOTHER  
Class 3 Felony

A.R.S. § 13-2009, 13-2001, 13-301, 13-302, 13-303, 13-304, 13-610, 13-701, 13-702,  
and 13-801

Date of Offense: December 4, 2011

Non Dangerous - Non Repetitive

OFFENSE: Count 2 POSSESSION OR USE OF DANGEROUS DRUGS  
Class 4 Felony

A.R.S. § 13-3401, 13-3407, 13-3413, 13-3416, 13-3418, 13-301, 13-302, 13-303, 13-304,  
13-610, 13-701, 13-702, 13-801, and 13-901.01(H)(4)

Date of Offense: December 4, 2011

Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the Defendant on probation for:

Count 1 Probation Term: 3 years

Upon absolute discharge from prison for a separate offense in CR2015-154983-001 (Count 2).

IT IS ORDERED that probation in Count 1 shall run concurrent with probation in Count 2 and CR2015-154983-001 (Count 6).

Count 2 Probation Term: 3 years

Upon absolute discharge from prison for a separate offense in CR2015-154983-001 (Count 2).

IT IS ORDERED that probation in Count 2 shall run concurrent with probation in Count 1 and CR2015-154983-001 (Count 6).

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Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8: Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

RESTITUTION: Count 1 - \$2,842.35 payable as directed by APO per month, beginning on a date to be determined, to the following persons:

American Express	(Business)	\$528.00
Rabo Bank	(Business)	\$812.84
JP Morgan Chase	(Business)	\$1,501.51

Restitution ledger provided; priority of payment as stated in the restitution ledger.

PROBATION SERVICE FEE: Count 1 - \$65.00 per month, beginning on a date to be determined.

FINE: Count 2 - Total amount of \$1,830.00, which includes surcharges of 83%, payable as directed by APO per month beginning on a date to be determined.

Fine is to be paid to the Arizona Drug Enforcement Fund.

PROBATION ASSESSMENT: Count 1 - \$20.00 payable on a date to be determined.

PROBATION ASSESSMENT: Count 2 - \$20.00 payable on a date to be determined.

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on a date to be determined.

Count 2: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on a date to be determined.

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All amounts payable through the Clerk of the Superior Court.

The Court retains jurisdiction for any future restitution hearings.

Additional Monetary Information: The Defendant has requested to be present for any restitution hearings that may be set in this matter.

Condition 16: Not consume or possess any substances containing alcohol.

Condition 17: Count 1: Complete a total of 360 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

Condition 22: Other: Defendant shall have no contact with the victim. Defendant shall pay restitution for all economic loss to all victims.

IT IS FURTHER ORDERED that Defendant shall submit to fingerprint identification processing by the Maricopa County Sheriff's Office if directed to do so by the Adult Probation Department. The Adult Probation Department shall direct any Defendant placed on probation who has not already had a State Identification Number (SID) established to submit to fingerprint processing.

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.
2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Counts 3-5 and allegations of prior historical felony convictions and any allegation of multiple offenses committed on multiple occasions.

IT IS FURTHER ORDERED Defendant be released from custody for this case only.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes in accordance with A.R.S. §13-610.

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10:20 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JOAN M. SINCLAIR  
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)